IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

WP(C).No. 25103 of 2007(L)

PETITIONER:

AMMINI, W/O. LATE CHANDRASEKHARAN,
KATTUNGAL HOUSE, PARAVOOR, PUNNAPRA NORTH P.O.,
ALAPPUZHA.

BY ADV. SRI.B.S.SWATHY KUMAR

RESPONDENTS:
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1. KERALA STATE ROAD TRANSPORT CORPORATION,
REPRESENTED BY ITS CHAIRMAN, TRANSPORT BHAVAN,
FORT P.O., THIRUVANANTHAPURAM-23.

2. CHIEF ACCOUNTS OFFICER,
KERALA STATE ROAD TRANSPORT CORPORATION,
TRANSPORT BHAVAN, FORT P.O.,
THIRUVANANTHAPURAM-23.

3. ASSISTANT TRANSPORT OFFICER,
KERALA STATE ROAD TRANSPORT CORPORATION,
CHERTHALA.

4. KERALA STATE FINANCIAL ENTERPRISES,
REPRESENTED BY ITS CHAIRMAN, THIRUVANANTHAPURAM.

R1 TO R3 BY ADV. SHRI THOMAS P. JOHN, SC.

R4 BY ADV. SRI.M.SASINDRAN, SC, K.S.F.E., LTD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.25103 of 2007

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Dated this the 10th day of September, 2007

JUDGMENT

Petitioner is the widow of Sri.V.N.Chandrasekharan, who died while working as Mechanic in KSRTC on 31.8.2006. Petitioner's case is that she has no source of income and she has two daughters of marriageable age. She was served with Ext.P1. Ext.P1 is a notice purported to be issued under the provisions of Rule 3 of Part III KSR. It is stated that there are certain liabilities outstanding against her and the same liabilities will be recovered from the pensionary benefits when the payments are effected. Explanation of the petitioner is called for. Ext.P2 evidences that recovery in an extent of Rs.76437/- will be made from the Gratuity authorised. According to the petitioner as far as Ext.P2 is concerned, no agreement has been executed authorising recovery of the amounts from the DCRG.

2. I heard learned counsel appearing on behalf of the fourth respondent.

3. Going by Ext.P2 recoveries are being effected for making

payments due to the fourth respondent. Counsel appearing on behalf of the fourth respondent on instructions submits that there are no agreements entered into by Sri. V.N.Chandrasekharan authorising recovery of the amounts from the DCRG. In such circumstances recoveries cannot be effected from the DCRG for making payments to the fourth respondent. Accordingly Ext.P2 cannot be sustained and Ext.P2 is quashed to the extent it orders recovery.

4. As far as Ext.P1 is concerned, learned counsel for the petitioner submits that petitioner has already given explanation to Ext.P1. There will be a direction to the second respondent to consider and take a decision on the explanation submitted by the petitioner to Ext.P1 within a period of three weeks from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

(K.M. JOSEPH, JUDGE)

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